



## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA  
Chief Executive Officer

June 15, 2011

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From: William T Fujioka  
Chief Executive Officer

### **SACRAMENTO UPDATE**

This memorandum contains pursuits of County position on legislation to establish the Hospital Infant Feeding Protection Act and exempt water submeters for use in a multiunit residential structure from being tested and sealed before they are placed into service for commercial use; and a change in a pursuit of County position on legislation regarding the County Deferred Property Tax Program for Seniors and Disabled Citizens.

#### **Pursuit of County Position on Legislation**

**SB 502 (Pavley)**, as amended April 25, 2011, would establish the Hospital Infant Feeding Protection Act, which would require all general acute care hospitals and special hospitals which have a perinatal unit to have an infant-feeding policy in place and to clearly post that policy.

Existing law requires all general acute care hospitals and special hospitals providing maternity care to make available a breastfeeding consultant, or alternatively, to provide information to the mother on where to receive breastfeeding information. Additionally, it requires the State Department of Public Health to recommend training to improve breastfeeding rates among mothers and their infants.

According to the Departments of Public Health (DPH) and Health Services (DHS), early infant nutrition contributes to numerous positive health outcomes. Breastfeeding is the most complete form of infant nutrition. Breast milk contains crucial antibacterial,

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antiviral, and antiallergenic factors that naturally boost a baby's immune system after birth. Studies have shown that infants who are breastfed exclusively are at decreased risk for ear infections, respiratory infections, diarrhea, bacterial infections, allergies, asthma, and childhood obesity than infants who are formula fed. The American Academy of Pediatrics and the World Health Organization recommend exclusive breastfeeding for the first six months of life. DHS further states that hospital practices can improve a mother's understanding of the positive benefits associated with breastfeeding their babies.

The Departments of Public Health and Health Services support SB 502, and this office concurs. Therefore, consistent with Board policy to support proposals which establish, enhance, or fund public awareness campaigns that encourage breastfeeding, **the Sacramento advocates will support SB 502.**

SB 502 is sponsored by the California Women, Infants and Children Association. The supporters of SB 502 include the American Congress of Obstetricians and Gynecologists, District IX (California); Antelope Valley Hospital; First 5 LA; Breastfeeding Task Force of Greater Los Angeles; California Food Policy Advocates; and the California Breastfeeding Coalition. There is no registered opposition on file.

SB 502 is scheduled for a hearing in the Assembly Health Committee on June 21, 2011.

**SB 744 (Wyland)**, which as amended on May 3, 2011, would provide that any water submeter tested by a regularly calibrated test bench shall be deemed to be sealed and approved for commercial use, as specified, provided it satisfies certain criteria and is type approved by the Division of Measurement Standards (DMS) of the California Department of Food and Agriculture (CDFA). The bill also would exempt water submeters from the definition of placed in service and would provide that no water submeter is considered to have been placed in service prior to its installation if it is to be used in a multiunit residential structure. These provisions would sunset on January 1, 2015.

Existing law requires that a person who uses, or intends to use any weight, measure, or weighing or measuring instrument for commercial purposes shall have them sealed by a sealer before use, unless it has been sealed before sale, in which case the purchaser may use it for the period authorized for its use. Current law defines a sealer to include the State Sealer (CDFA Director of DMS), county sealers (a sealer approved by a county), and their deputies and inspectors. Placed in service is defined to mean to permit the use of a device that has been tested and found to be correct, as specified, or to submit a device to a sealer for verification prior to installation.

The Department of Agricultural Commissioner/Weights and Measures (ACWM) indicates that this bill would remove significant protections to consumers provided

through routine testing by authorized and qualified sealers for accuracy and correct performance of utility type water submeters. ACWM indicates that SB 744 would permit manufacturers of water submeters to certify the accuracy of their own meters using their own testing methods and equipment, which could facilitate the installation of inaccurate submeters in multiunit residential complexes, potentially monetarily harming the water supplier, such as the landlord, or the tenant whose water bill is determined by the meter. ACWM indicates that this bill is contrary to current law that requires all commercial scales, gas pumps, and other weighing and measuring devices to be tested and sealed by a sealer before being initially placed into service, after being repaired and on a continuous, routine basis. ACWM believes that allowing this exemption for one type of commercial device creates a precedent for manufacturers of other commercial devices, such as electric and vapor (gas) submeters, to pursue.

Additionally, the Department of Agricultural Commissioner/Weights and Measures indicates that this bill would serve to remove the existing requirement for a 24-hour notification to the county sealer when a commercial water submeter has been placed into service by amending the definition of placed in service and exempting water submeters from specified placement-in-service provisions. ACWM indicates that, without such notification, a county sealer will have no notice or record regarding where or how many such submeters are being installed and used to compute water use charges to tenants. According to ACWM, this would almost certainly result in a loss of revenue from registration fees, currently required by the County as well as impeding the ACWM's ability to track the use of such meters and conduct investigations into consumer complaints regarding water submeters. According to ACWM, this bill would eliminate the independent oversight and regulation of water submeters provided by the county sealer and would allow water submeter manufacturers to essentially self-certify their devices, thus decreasing assurance of accuracy in measurement information and removing important consumer protections.

The Department of Agricultural Commissioner/Weights and Measures and this office oppose SB 744. Therefore, consistent with existing Board policy to support legislation to protect consumers by providing increased and more reliable product quantity and price information to facilitate value comparisons in sales of any commodity sold by weight, measure, or count, **the Sacramento advocates will oppose SB 744.**

SB 744 is sponsored by Utility Conservation Coalition and supported by American Utility Management; Apartment Association of Greater Los Angeles; Badger Meter; California Apartment Association; California Building Industry Association; California Business Properties Association; City of San Diego; ConAm; Davlyn Investment Property Management; Essex Property Trust Inovonics Corp.; Master Meter; Pinnacle Family of Companies, Real Estate Management and Investments; San Diego County Apartment Association; Santa Barbara Rental Property Association; and Wastach Property Management.

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It is opposed by the California Agricultural Commissioners and Sealers Association; California Rural Legal Assistance Foundation; California State Association of Counties (CSAC); counties of Del Norte, Kings, Merced, San Diego, San Mateo, Shasta, Solano, Sonoma, Tulare, and Ventura; and Western Center on Law and Poverty.

SB 744 is scheduled for a hearing in the Assembly Business, Professions and Consumer Protection Committee on June 21, 2011.

### **Change in County Position on Legislation**

**County-supported AB 1090 (Blumenfield)**, which would establish the County Deferred Property Tax Program for Senior and Disabled Citizens to allow counties, at their option and by a resolution by the board of supervisors, to implement this program to allow qualified senior and disabled citizens' property owners to defer their property taxes until the property is sold.

AB 1090 was amended on May 31, 2011 to delete provisions which would give counties priority lien status on property tax postponements. The Treasurer and Tax Collector indicate that without the priority lien status, the program would not work for the County. The Treasurer and Tax Collector also indicates that counties throughout the State would not be willing to participate in the program and recommends that AB 1090 be amended to reinstate provisions giving counties priority on liens for the County Deferred Property Tax Program for Senior and Disabled Citizens. Therefore, **the Sacramento advocates will remove support for AB 1090 and take a support if amended position on this measure to reinstate provisions giving counties priority lien status.**

AB 1090 is currently in the Senate Rules Committee awaiting referral to a policy committee.

We will continue to keep you apprised.

WTF:RA  
MR:IGEA:lm

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants